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U.S. COURT OF FEDERAL CLAIMS

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-981V

Filed: October 4, 2016

Not to be Published

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OSM
U.S. COURT OF
FEDERAL CLAIMS

STEVEN L. DEAL,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Failure to Prosecute;
Failure to Follow Court
Orders; Dismissal

DECISION DISMISSING PETITION

On September 4, 2015, Petitioner filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program,¹ alleging that Petitioner was injured by a vaccine or vaccines listed on the Vaccine Injury Table. *See* § 14. I hereby dismiss this petition because Petitioner has failed to prosecute or prove this case.

Petitioner filed a Statement of Completion on October 26, 2016, indicating that all of the medical records that are relevant to his claim have been filed. On January 4, 2016, Respondent filed Respondent's "Rule 4(c) Report," arguing that this case should be dismissed, because the evidence in Petitioner's medical records was insufficient to establish a causal link between his vaccination and the alleged injury.

On January 12, 2016, Special Master Brian Corcoran filed an Order requiring Petitioner to file the report of a medical expert on or before March 31, 2016.

This case was reassigned to my docket on March 2, 2016. Petitioner requested additional time to file an expert report. (ECF No. 13.) On March 22, 2016, I granted Petitioner's request


¹ The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter "Vaccine Act" or "the Act"). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

for an enlargement of time, until June 20, 2016, to file an expert report. (ECF No. 14.) However, on April 26, 2016, Petitioner's counsel filed a Motion requesting to be relieved of the duties of counsel. (ECF No. 15.) I granted the request of Petitioner's counsel on April 28, 2016, and informed Petitioner that he must represent himself in this case. (ECF No. 18.)

Petitioner filed a Motion on June 17, 2016, requesting an additional three months to proceed with his petition. On June 21, 2016, I filed an Order granting that Motion, and directed Petitioner to file a medical expert's opinion in support of his claim by September 19, 2016.

Petitioner did not file a timely expert report, nor did he request more time to do so. It is Petitioner's duty to prosecute his case, and to follow court orders. *Tsekouras v. Sec'y, HHS*, 26 Cl. Ct. 439 (1992), *aff'd per curiam*, 991 F.2d 810 (Fed. Cir. 1993); *Sapharas v. Sec'y, HHS*, 35 Fed. Cl. 503 (1996); Vaccine Rule 21(b). Accordingly, **this case is dismissed for failure to prosecute and failure to follow court orders. The clerk shall enter judgment accordingly.**

IT IS SO ORDERED.



George L. Hastings, Jr.
Special Master